

COMMITTEE AMENDMENT FORM

DATE: 05/02/07

COMMITTEE ZONING PAGE NUM. (S)

ORDINANCE I. D. #06-O-2579 SECTION (S)

RESOLUTION I. D. #07-R- PARA.

AMENDS THE LEGISLATION BY ADDING ~~THREE~~ ^{FIVE} (5) CONDITIONS.

AMENDMENT DONE BY COUNCIL STAFF 05/02/07

City Council
Atlanta, Georgia

06-O-2579

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-06-124
Date Filed: 11-07-06

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **510 Sawtell Avenue, S.E. (also addressed as 1450 Blashfield Street, S.E.)** be changed from the I-2 (Heavy Industrial) District to the MRC-3-C (Mixed Residential Commercial-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being Land Lots 40, 41 and 56 of the 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for Z-06-124 for 510 Sawtell Avenue, S.E.

1. Preserve an additional 10 feet of right-of-way along the property fronting McDonough Boulevard as measured from the existing right-of-way.
2. Provide a sidewalk along property frontage abutting McDonough Boulevard and Sawtell Avenue.
3. Nothing in the above conditions shall be construed as requiring the removal of any part of the existing retaining wall that is located along McDonough Blvd. and Sawtell Ave.
4. In light of the existence of an industrial enterprise zone designation on the subject property, the Purchaser of 510 Sawtell Avenue, S.E., or its successors and assigns, will agree to defend the City of Atlanta and its officials from any claims brought by the present or any future owner arising from any alleged loss of benefit from the enterprise zone designation for the remaining period of the designation. The duty to defend shall commence as of the date this zoning ordinance is approved by the Mayor or by operation of law and shall end on December 31, 2008, the date on which the enterprise zone designation as provided by Ordinance 83-O-15254 is abolished. The agreement shall be signed by the Purchaser and memorialized in a form satisfactory to the City Attorney or her designee
5. Provide sidewalks on both sides of all internal streets.

City Council
Atlanta, Georgia

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SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 40, 41 & 56 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF HARRIETT STREET (APPARENT 40' RIGHT-OF-WAY) AND THE SOUTHERLY RIGHT-OF-WAY OF McDONOUGH BOULEVARD (APPARENT 50' RIGHT-OF-WAY); SAID POINT BEING A RAILROAD SPIKE AND BEING THE TRUE POINT OF BEGINNING; THENCE ALONG SAID RIGHT-OF-WAY OF McDONOUGH BOULEVARD SOUTH 63 DEGREES 57 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 68.97 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1508.24 FEET AND AN ARC LENGTH OF 196.06 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 60 DEGREES 14 MINUTES 22 SECONDS EAST FOR A DISTANCE 195.92 FEET TO A POINT; THENCE SOUTH 56 DEGREES 30 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 1441.86 FEET TO A POINT, SAID POINT BEING A PK NAIL FOUND AND BEING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF McDONOUGH BOULEVARD AND WESTERLY RIGHT-OF-WAY OF SAWTELL AVENUE (APPARENT 60' RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY OF SAWTELL AVENUE SOUTH 02 DEGREES 30 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 1406.48 FEET TO A POINT; SAID POINT BEING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF SAWTELL AVENUE AND EASTERLY RIGHT-OF-WAY OF SOUTHERN RAILWAY (APPARENT RIGHT-OF-WAY VARIES); THENCE ALONG SAID RIGHT-OF-WAY OF SOUTHERN RAILWAY NORTH 69 DEGREES 33 MINUTES 46 SECONDS WEST FOR A DISTANCE OF 179.32 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1342.00 FEET AND AN ARC LENGTH OF 1034.52 FEET, BEING SUBTENDED BY A CHORD OF NORTH 47 DEGREES 28 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 1009.09 FEET TO A POINT; THENCE NORTH 25 DEGREES 23 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 415.46 FEET TO A POINT; THENCE SOUTH 42 DEGREES 55 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 22.15 FEET TO A POINT; THENCE NORTH 25 DEGREES 02 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 300.00 FEET TO A POINT; THENCE NORTH 42 DEGREES 55 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 49.45 FEET TO A POINT; THENCE NORTH 25 DEGREES 02 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 150.35 FEET TO A POINT; THENCE SOUTH 42 DEGREES 11 MINUTES 20 SECONDS WEST FOR A DISTANCE OF 16.50 FEET TO A POINT; THENCE NORTH 25 DEGREES 02 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 200.25 FEET TO A POINT; THENCE SOUTH 40 DEGREES 31 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 32.95 FEET TO A POINT; THENCE NORTH 25 DEGREES 02 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 44.00 FEET TO A POINT; THENCE NORTH 40 DEGREES 34 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 22.21 FEET TO A POINT; THENCE NORTH 25 DEGREES 02 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 56.40 FEET TO A POINT; THENCE SOUTH 39 DEGREES 29 MINUTES 20 SECONDS WEST FOR A DISTANCE OF 22.21 FEET TO A POINT; THENCE NORTH 25 DEGREES 02 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 100.00 FEET TO A POINT; THENCE NORTH 27 DEGREES 42 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 320.30 FEET TO A POINT; SAID POINT BEING AT THE SOUTHERLY RIGHT-OF-WAY OF HARRIETT STREET AND SOUTHERN RAILWAY; THENCE FOLLOWING ALONG THE SAID RIGHT-OF-WAY OF HARRIETT STREET NORTH 34 DEGREES 13 MINUTES 57 SECONDS EAST FOR A DISTANCE OF 207.00 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING.

SAID PROPERTY CONTAINS 39.700 ACRES.

7-06-124



RCS# 784
12/04/06
6:04 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

06-O-2579, 06-O-2580, 06-O-2581, 06-O-2585
06-O-2586
REFER ZRB/ZONE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 3
ABSENT 0

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| Y Smith | Y Archibong | Y Moore | Y Mitchell |
| Y Hall | Y Fauver | Y Martin | Y Norwood |
| Y Young | Y Shook | E Maddox | Y Willis |
| Y Winslow | E Muller | E Sheperd | NV Borders |

MULTIPLE